

By: Duncan

S.B. No. 1457

A BILL TO BE ENTITLED

AN ACT

relating to transfer of management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf from the schools' boards of trustees to the Texas Facilities Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 30.022, Education Code, is amended by amending Subsections (h) and (i) and adding Subsection (h-1) to read as follows:

(h) The board ~~[has exclusive jurisdiction over the physical assets of the school and]~~ shall administer and spend appropriations made for the benefit of the school.

(h-1) The Texas Facilities Commission shall provide facilities management services for the physical facilities of the school as provided by Section 2165.007, Government Code.

(i) Except as provided by Subsection (h-1), the ~~[The]~~ board may accept and retain control of gifts, devises, bequests, donations, or grants, either absolutely or in trust, of money, securities, personal property, and real property from any individual, estate, group, association, or corporation. The funds or other property donated or the income from the property may be spent by the board for:

(1) any purpose designated by the donor that is in keeping with the lawful purpose of the school; or

1           (2) any legal purpose, if a specific purpose is not  
2 designated by the donor.

3           SECTION 2. Section 30.052, Education Code, is amended by  
4 amending Subsections (h) and (i) and adding Subsection (h-1) to  
5 read as follows:

6           (h) The board [~~has exclusive jurisdiction over the physical~~  
7 ~~assets of the school and~~] shall administer and spend appropriations  
8 to carry out the purposes of the school as provided by Section  
9 30.051.

10          (h-1) The Texas Facilities Commission shall provide  
11 facilities management services for the physical facilities of the  
12 school as provided by Section 2165.007, Government Code.

13          (i) Except as provided by Subsection (h-1), the [~~The~~] board  
14 may accept and retain control of gifts, devises, bequests,  
15 donations, or grants, either absolutely or in trust, of money,  
16 securities, personal property, and real property from any  
17 individual, estate, group, association, or corporation. The funds  
18 or other property donated or the income from the property may be  
19 spent by the board for:

20           (1) any purpose designated by the donor that is in  
21 keeping with the lawful purpose of the school; or

22           (2) any legal purpose, if a specific purpose is not  
23 designated by the donor.

24          SECTION 3. (a) Not later than January 1, 2014, the  
25 following are transferred from the Texas School for the Blind and  
26 Visually Impaired to the Texas Facilities Commission:

27           (1) the powers, duties, functions, programs, and

1 activities of the Texas School for the Blind and Visually Impaired  
2 relating to the management of the school's physical facilities  
3 under Section 2165.007, Government Code;

4 (2) any obligations and contracts of the Texas School  
5 for the Blind and Visually Impaired that are directly related to  
6 implementing a power, duty, function, program, or activity  
7 transferred under this subsection; and

8 (3) all property and records in the custody of the  
9 Texas School for the Blind and Visually Impaired that are related to  
10 a power, duty, function, program, or activity transferred under  
11 this subsection and all funds appropriated by the legislature for  
12 that power, duty, function, program, or activity.

13 (b) The Texas Facilities Commission and the Texas School for  
14 the Blind and Visually Impaired shall enter into a memorandum of  
15 understanding that:

16 (1) identifies in detail the applicable powers and  
17 duties that are transferred between the two agencies by this Act;  
18 and

19 (2) establishes a plan for the identification and  
20 transfer of the records, personnel, property, and unspent  
21 appropriations of the Texas School for the Blind and Visually  
22 Impaired that are used for purposes of the commission's powers and  
23 duties directly related to the operation of the school's physical  
24 facilities under Section 30.022, Education Code.

25 SECTION 4. (a) Not later than January 1, 2014, the  
26 following are transferred from the Texas School for the Deaf to the  
27 Texas Facilities Commission:

1           (1) the powers, duties, functions, programs, and  
2 activities of the Texas School for the Deaf relating to the  
3 management of the school's physical facilities under Section  
4 2165.007, Government Code;

5           (2) any obligations and contracts of the Texas School  
6 for the Deaf that are directly related to implementing a power,  
7 duty, function, program, or activity transferred under this  
8 subsection; and

9           (3) all property and records in the custody of the  
10 Texas School for the Deaf that are related to a power, duty,  
11 function, program, or activity transferred under this subsection  
12 and all funds appropriated by the legislature for that power, duty,  
13 function, program, or activity.

14          (b) The Texas Facilities Commission and the Texas School for  
15 the Deaf shall enter into a memorandum of understanding that:

16           (1) identifies in detail the applicable powers and  
17 duties that are transferred between the two agencies by this Act;  
18 and

19           (2) establishes a plan for the identification and  
20 transfer of the records, personnel, property, and unspent  
21 appropriations of the Texas School for the Deaf that are used for  
22 purposes of the commission's powers and duties directly related to  
23 the operation of the school's physical facilities under Section  
24 30.052, Education Code.

25          SECTION 5. This Act takes effect September 1, 2013.